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In re Application of SAITO et al :
U.S. Application No.: 10/537,528 :
PCT Application No.: PCT/JP03/10278 :
Int. Filing Date: 13 August 2003 : COMMUNICATION
Priority Date Claimed: 11 December 2002 :
Attorney Docket No.: NAKAI-005US :
For: CEMENT KILN CHLORINE/SULFUR :
BYPASS SYSTEM :

This is in response to applicant's "Reply to Office Communication" filed 24 July 2006.

BACKGROUND

On 13 August 2003, applicant filed international application PCT/JP03/10278, which claimed priority of an earlier Japan application filed 11 December 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 24 June 2004. The thirty-month period for paying the basic national fee in the United States expired on 13 June 2005 (11 June 2005 was a Saturday).

On 13 June 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 November 2005, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 27 December 2005, applicant filed an executed declaration.

On 15 March 2006, the DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which identified a discrepancy with respect to the first inventor's name.

On 27 March 2006, applicant filed a corrected declaration.

On 26 June 2006, this Office mailed a communication which stated that the 27 March 2006 declaration was improper.

On 24 July 2006, applicant filed the present response including an executed declaration.

DISCUSSION

The declaration filed 24 July 2006 is improper. Specifically, the declaration fails to list all of the inventors as required by 37 CFR 1.497(a)(3). See also MPEP 201.03 (stating, "While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity.") Furthermore, applicant is advised that a proper declaration has not been submitted for any of the inventors. The declaration filed 27 December 2005 is improper because it does not accurately identify the inventive entity, and the declaration filed 27 March 2006 is unacceptable for the reasons set forth in the communication mailed 26 June 2006. Accordingly, a proper declaration newly executed by all of the inventors must be submitted.

CONCLUSION

Because the 24 July 2006 response appears to be a bona fide attempt to reply to the communication mailed 26 June 2006, applicant is given a time limit of ONE (1) MONTH from the mail date of this communication in which to file a proper declaration. Failure to timely file a proper response will result in ABANDONMENT of the application. Extensions of time are NOT AVAILABLE under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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